

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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THOMAS GESUALDI and FRANK FINKEL,  
Trustees of Local 282 International Brotherhood  
of Teamsters Welfare, Pension, Annuity, Job  
Training and Vacation Sick Leave Trust Funds,

Plaintiffs,

ORDER

-against-

09 CV 2058 (JG)(RML)

METRO FOUNDATION CONTRACTORS  
INC.,

Defendant.

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THOMAS GESUALDI, LOUIS BISIGNANO,  
ANTHONY PIROZZI, DOMINICK MARROCCO,  
ANTHONY D'AQUILA, FRANK FINKEL,  
JOSEPH FERRARA, MARC HERBST,  
THOMAS PIALI and DENISE RICHARDSON,  
as Trustees and Fiduciaries of the Local 282  
Welfare, Pension, Annuity, Job Training, and  
Vacation and Sick Leave Trust Funds,

Plaintiffs,

-against-

09 CV 5660 (JG)(RML)

METRO FOUNDATION CONTRACTORS  
INC.,

Defendant.

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JOHN GLEESON, United States District Judge:

Because I agree with the reasoning and conclusion of the Report and  
Recommendation of Magistrate Judge Levy ("R&R") and because no objections have been filed,  
I adopt the R&R in full. Accordingly, the plaintiffs' motions for sanctions are granted in part  
and the defendant is precluded from offering evidence in 09-CV-5660. The defendant is also  
hereby ordered to pay plaintiffs' attorney's fees related to their motions for sanctions and the

subsequent enforcement of them, in both 09-CV-5660 and 09-CV-2058. I order plaintiffs' counsel to submit detailed fee applications and respectfully refer the calculation of attorney's fees to Magistrate Judge Levy. I deny plaintiffs' motions to the extent that they seek to hold the defendant in contempt of court.

So Ordered.

John Gleeson, U.S.D.J.

DATED: September 29, 2011  
Brooklyn, New York